

Appl. No. 10/780,042
Reply Dated April 21, 2006
Reply to Office Action Mailed November 25, 2005

Express Mailing Label No.:
EV 362413668 US

REMARKS / ARGUMENTS

A. GENERALLY

Claims 1-2, 4-11, and 13-16 remain in the Application. Claims 1, 6, 11 and 14 have been amended. Claims 3 and 12 have been canceled. No new matter has been added.

Applicant appreciates the opportunity for an interview with the examiner conducted on April 21, 2006.

B. CLAIM REJECTIONS

Claim Rejections – 35 U.S.C. §112

Claims 1-3 and 6-10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention.

Applicant has amended claim 1 to correct the formula recited therein. Additionally, claims 1 and 11 have been amended to define the bracketed elements of the formulas recited therein as a first monomer represented by “n” and a second monomer represented by “m.” Claim 6 has been amended to make it clear that it depends from claim 1. Claim 3 has been canceled.

Applicant submits that the amendments to claims 1, 6, and 11 overcome the rejections of claims 1-2 and 6-10 under 35 U.S.C. §112, second paragraph.

Claim Rejections – 35 U.S.C. §102

Claims 4 and 5 have been rejected under 35 U.S.C. §102(a) as being anticipated by Beaupre et al., *Optical and Electrical Properties of π -Conjugated Polymers Based on Electron-Rich 3, 6-Dimethoxy-9, 9-dihexylfluorene Unit* (herein, “Beaupre”).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).” (MPEP §2131 8th Ed., Rev. 1.)

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The present application claims priority to PCT Patent Application Ser. No. PCT/KR02/01514, filed 8 August 2002, and Korean Patent Application 2001-0049386, filed 16 August 2001. Under 35 U.S.C. § 365(b), an international application designating the United States is entitled to the right of priority of a prior foreign application which may either be another international application or a regularly filed foreign application. The present application was filed with the U.S. Patent and Trademark Office on February 17, 2004. Because February 16, 2004 was a Federal Holiday (Washington's Birthday), the application entered the national phase in the U.S. in a timely fashion (that is, 30 months of the priority date of August 16, 2001 plus one day based on the Federal Holiday). (*See*, PCT Rule 80.5.) The effective filing date of the present application is thus August 16, 2001.

On its face, Beaupre reflects a publication date of November 04, 2003. Because the present application is entitled to an effective filing date of August 16, 2001, the Beaupre reference is not prior art as to the present application.

As requested by the examiner, Applicant has submitted a copy of the priority documents as filed with the Patent and Trademark Office.

Based on the foregoing, claims 4 and 5 are not anticipated by Beaupre.

Claim Rejections - 35 USC §103

Claims 1-16 have been rejected as being unpatentable over Beaupre.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP §2143.03, 8th Ed. (Rev. 2, 2004).

The present application claims priority to PCT Patent Application Ser. No. PCT/KR02/01514, filed 8 August 2002, and Korean Patent Application 2001-0049386, filed 16 August 2001. Under 35 U.S.C. § 365(b), an international application designating the United States is entitled to the right of priority of a prior foreign application which may either be another international application or a regularly filed foreign application. The present application was filed with the U.S. Patent and Trademark Office on February 17, 2004. Because February 16, 2004 was a Federal Holiday (Washington's Birthday), the application entered the national phase

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Based on the foregoing, claims 1-2, 4-11, and 13-16 are patentable over Beaupre.

D. CONCLUSION

Applicant respectfully requests reconsideration of the current rejection of the claims now pending in this application in view of the above amendments, remarks and arguments. Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, applicant respectfully requests a telephone interview. Attorney for the applicant may be reached at the number listed below.

E. SUMMARY OF INTERVIEW

An interview was conducted on April 26, 2006. Elliott Light participated on behalf of Applicant. Examiner Thompson participated on behalf of the U.S. Patent and Trademark Office. The reference and the priority date of the application were discussed. No final agreement was reached.

Respectfully Submitted,

By 

Elliott D. Light, Esq.
Registration No. 51,948
Jon L. Roberts, Ph.D., J.D.
Registration No. 31,293
Roberts Abokhair & Mardula, LLC
11800 Sunrise Valley Drive, Suite 1000
Reston, VA 20191
(703) 391-2900